

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1-15 are pending. Claims 1-11 are amended. Support for amended claims 1-11 is found in the previously presented claims. New claims 12-15 are added. Support for new claims 12-13 is found in at least specification page 7, lines 9-11. Support for new claim 14 is found in at least the table of exemplary compositions found at specification page 8. Support for new claim 15 is found in at least original claim 10. Thus, no new subject matter is added.

Claims 1-11 are rejected under 35 U.S.C. § 102(b), or in the alternative, under 35 U.S.C. § 103 as unpatentable over Dupont et al. (U.S. 5,877,103). Applicants respectfully traverse the rejections of claims 1-11 over Dupont et al.

Independent claim 1 recites a soda-lime composition that includes specific ranges of 6 colouring agents and a very low TLA4 (total luminous transmittance through the composition measured at a thickness of 4 mm) of less than 20% as well as a TE4 (Moon) of less than 20%.

Turning first to the anticipation rejection, Dupont et al. discloses a dark-grey soda lime glass having colouring agents that partially overlap the ranges recited in claim 1. The Office Action recognizes at page 3 that DuPont et al. “does not disclose any examples that anticipate claims 1 and 11. Dupont et al. does not teach the LTA4 [sic, TLA4] as claimed in claims 1 and 10.” Thus, the Office Action effectively acknowledges that DuPont et al. does not anticipate claim 1 under 35 U.S.C. § 102(b) because it does not teach the TLA4 recited. In addition, Applicants further point out that not only do the examples not satisfy the TLA4 recited in claim 1, but at col. 5, lines 13-17, DuPont et al. in its broadest disclosure recites a TLA4 of 20-50% which is outside of the range recited in claim 1 of less than 20%.

For these reasons, claim 1 is not anticipated, either expressly or inherently, by DuPont et al. Similarly, dependent claims 2-11, which depend on claim 1 and thus include all of the features of claim 1, are also not anticipated by DuPont et al.

The Office Action next asserts that claim 1 is in the alternative rendered obvious by DuPont et al. under 35 U.S.C. § 103. The Office Action asserts that because DuPont et al. discloses a composition having overlapping ranges with the composition recited in claim 1, claim 1 is *prima facie* obvious. The Office Action further asserts that a person of ordinary skill in the art would expect a glass with overlapping compositions to have the properties recited in claim 1, and that products of identical composition can not have mutually exclusive properties. Applicants respectfully traverse these assertions.

As a preliminary matter, Applicants note that applications of the composition recited in claim 1 include privacy glass such as sunroofs in cars. Such glass having both low transmitted light (less than 20%) and low energetic transmission (less than 20%) as claimed is not easily obtained. Each of the coloring agents recited in the claimed composition affect the properties of the glass, and sometimes in unexpected ways. The DuPont et al. reference illustrates this surprising variability when compared to claim 1. All 17 examples disclosed in DuPont et al. have a luminous transmittance (TLA4) of at least 27.5% and ranging as high as 50.74%. See Table III. As noted above, even the broadest teaching of DuPont et al. describes a composition having a luminous transmittance of at least 20%. Col. 5, lines 13-17. Thus, there is no teaching or suggestion that a composition having the narrowly defined ranges of colourants recited in claim 1 would, in fact, have *different* properties than the glass broadly disclosed in DuPont et al. (here a visible transmittance of below 20% which is lower than all of the DuPont et al. teachings). Stated differently, Applicants submit that DuPont et al. teaches *away* from the composition recited in claim 1 because it suggests that a glass

encompassing the claimed ranges will not have the claimed low visible transmittance. For these reasons, Applicants submit that Dupont et al. does not render claim 1 obvious.

Accordingly, DuPont et al. does not disclose or suggest the features of independent claim 1. It is submitted that independent claim 1, and dependent claims 2-11 which depend on claim 1, are in condition for allowance.

New claims 12-15 depend on claim 1 and thus include all of the features recited in claim 1. Accordingly, new claims 12-15 are allowable over DuPont et al. for the same reasons as described above with respect to independent claim 1.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for claims 1-15 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicant's undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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Andrew M. Ollis  
Attorney of Record  
Registration No. 40,749

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)